

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ASHLEY WILSON, individually and on behalf  
of all others similarly situated,

No. C 09-03630 SI

Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION TO COMPEL**

v.

KIEWIT PACIFIC CO.,

Defendant.

Plaintiff Ashley Wilson has moved for an order compelling defendant Kiewit Pacific Company (“Kiewit”) to produce documents in response to a discovery request propounded in November 2009. In this action, plaintiff brings suit on behalf of a class of California employees of Kiewit, a construction company, alleging various violations of California wage and hour laws. Kiewit’s California operations are divided into two divisions, Northern (“NorCal”) District and Southern (“SoCal”) District. Plaintiff is employed in SoCal District, but seeks to represent a statewide class of Kiewit employees from both districts.

The discovery requests at issue seek documents related to Kiewit’s policies and practices with respect to reimbursing employees for travel-related expenses, such as mileage and gas. After plaintiff propounded her requests, Kiewit produced all responsive SoCal documents, but refused to produce NorCal documents on the ground such documents are not relevant because plaintiff did not work in NorCal District. Kiewit argues that it should not be compelled to produce SoCal documents because plaintiff’s class definition is overbroad and plaintiff “is not similarly situated to NorCal employees who worked under different policies, practices, and procedures from plaintiff.”


1 Under Federal Rule of Civil Procedure 26, "Parties may obtain discovery regarding any  
2 nonprivileged matter that is relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). By  
3 arguing that the documents plaintiff has requested will ultimately defeat her bid for class certification,  
4 defendant essentially concedes that the documents are relevant to the central issue of whether plaintiff  
5 may press her claims on behalf of a statewide class. The Court agrees with plaintiff that the documents  
6 related to NorCal District are relevant and reasonably calculated to lead to admissible evidence, and  
7 GRANTS the motion to compel insofar as it seeks NorCal documents paralleling those that have already  
8 been produced for SoCal District.

9 Kiewit asserts that plaintiff's documents requests implicate privacy and privilege concerns, but  
10 does not identify any specific portions of the requests that seek privileged or private information.  
11 Kiewit may not avoid its discovery obligations merely by asserting a blanket privilege to 20 document  
12 requests. In addition, it is difficult to understand why Kiewit now asserts a privilege with respect to  
13 NorCal documents when it has already produced parallel So Cal documents. To the extent Kiewit  
14 believes that a specific responsive document is privileged or otherwise protected from disclosure, Kiewit  
15 must produce a privilege log indicating the reason why the document is privileged or protected.

16 Kiewit is hereby ordered to produce all non-privileged documents responsive to plaintiff's  
17 request, as well as a privilege log indicating the documents it believes are protected from disclosure, no  
18 later than April 9, 2010.

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20 **IT IS SO ORDERED.**

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22 Dated: April 2, 2010

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25 SUSAN ILLSTON  
26 United States District Judge  
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